IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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CASE NO.	RSW920010215US1	Group Art Unit: 3694
TITLE:	METHOD, SYSTEM, AND GRAPHIC USER INTERFACE FOR AUTOMATED ASSET MANAGEMENT	

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MAIL STOP APPEAL BRIEF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attention: Board of Patent Appeals and Interferences

<u>**APPELLANTS' BRIEF**</u>

This Appeal Brief is in furtherance of the Notice of Appeal filed in this case on January 31, 2008. The Commissioner is authorized to charge the fee for filing of this Appeal Brief to Deposit Account No. 09-0461.

1.   **REAL PARTY IN INTEREST**

The present application is assigned to International Business Machines Corporation,

having its principal place of business at New Orchard Road, Armonk, New York 10504.

Accordingly, International Business Machines Corporation is the real party in interest.

2.   **RELATED APPEALS AND INTERFERENCES**

The Appellants, assignee, and the legal representatives of both are unaware of any other

appeal or interference which will directly affect or be directly affected by or have a bearing on

the Board's decision in this appeal.

3.   **STATUS OF CLAIMS**

A.   Claims canceled: none

B.   Claims withdrawn from consideration but not canceled: None

C.   Claims pending: 1-30

D.   Claims allowed: none

E.   Claims rejected: 1-30

F.   Claims appealed: 1-30

Appealed claims 1-30 as currently pending are attached as the Claims Appendix hereto.

4.   **STATUS OF AMENDMENTS**

There are no un-entered amendments to the specification claims or drawings in this case.

5.   **SUMMARY OF THE CLAIMED SUBJECT MATTER**

Claim 1: A method of managing assets controlled by members of an organization, said organization having a central server configured to access data and software systems of said organization, comprising the steps of:

identifying one or more of said assets for management and submitting an asset disposition request to said central server (page 7, lines 19-20; page 8, lines 17-18; Fig. 2);

at the central server, automatically, based on receipt of said asset disposition request, obtaining all required approvals for said asset disposition request (page 9, line 14 to page 10, line 6);

at the central server, automatically, based on said obtaining of all required approvals, effecting said asset disposition request (page 13, line 21 to page 14, line 1); and

at the central server, automatically modifying said data to reflect said effected disposition request (page 14, lines 1-4).

Claim 11: A system for managing assets controlled by members of an organization, said organization having a central server configured to access data and software systems of said organization, comprising:

means for identifying one or more of said assets for management and submitting an asset

disposition request to said central server (page 7, lines 19-20; page 8, lines 17-18; Fig. 2);

means for automatically, at the central server, based on receipt of said asset disposition

request, obtaining all required approvals for said asset disposition request (page 9, line 14 to page

10, line 6);

means for automatically, at the central server, based on said obtaining of all required

approvals, effecting said asset disposition request (page 13, line 21 to page 14, line 1); and

means for automatically, at the central server, modifying said data to reflect said effected

disposition request (page 14, lines 1-4).

In accordance with 37 CFR 41.37(c)(1)(vii), the structure, materials, or acts corresponding to

each the means plus function clause recited in claim 11 is identified and described in the portions of

the specification which are cited immediately following each clause of claim 11, above.

Claim 21: A computer program product for managing assets controlled by members of an

organization, said organization having a central server configured to access data and software

systems of said organization, the computer program product comprising a computer-readable

storage medium having computer-readable program code embodied in the medium, the

computer-readable program code comprising:

computer-readable program code that identifies one or more of said assets for

management and submits an asset disposition request to said central server (page 7, lines 19-20;

page 8, lines 17-18; Fig. 2);

computer-readable program code that automatically, based on receipt of said asset disposition request, obtains all required approvals for said asset disposition request (page 9, line 14 to page 10, line 6);

computer-readable program code that automatically, based on said obtaining of all required approvals, effects said asset disposition request (page 13, line 21 to page 14, line 1); and

computer-readable program code that automatically modifies said data to reflect said effected disposition request (page 14, lines 1-4).

The present invention teaches a business asset management system, method, and computer-program product that operates in real time to allow all aspects of asset management to be performed automatically at a central server. The claimed asset management process is initiated by an employee of an organization using a client platform and then submitted to a central server. Once the asset management process request is received by the central server from the client platform, the single, central server automatically performs all the steps of the process. When the process is complete, the central server immediately automatically updates the organization's data in real time to reflect that the asset management process has been completed.

6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Appellants request the Board to review the following rejections:

A. Rejection of claims 1-30 under 35 U.S.C. §102(b) as being anticipated by Chapter 7 (Disposition Sections 7.1,

http://www.standford.edu/dept/UPA/chapter%207.html) (referred to herein as "Chapter 7").

7. ARGUMENT

A. Rejection of claims 1-30 under 35 U.S.C. §102(b) as being anticipated by Chapter 7

The Examiner Has Not Established a P*rima Facie* Case of Anticipation

As set forth in the MPEP:

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP §2131 citing *Verdegaal Bros. v. Union Oil Company of California*, 814 F.2d 628, 631, 2 U.S.P.Q. 2d 1051, 1053 (Fed. Cir. 1987)

The Examiner Has Not Established a *prima facie* Case of Anticipation

As noted above, the present claimed invention includes a central server that automatically performs the steps required to manage an organization's disposal of assets. The central server automatically obtains all required approvals for said asset disposition request, automatically effects said asset disposition request, and automatically modifies said data to reflect said effected disposition request. As a result, employees of the organization are not required to spend time researching information about an asset in order to know what the proper procedure is for disposing of

that asset. Additionally, the organization's asset management data is updated in real time to reflect

changes in the status of its assets.

In contrast to the present claimed invention, Chapter 7 does not control its asset

management through a central server. Rather, Chapter 7 gives directions to the several different

employees of several different departments in an organization regarding the manual steps that must

be taken in order to dispose of the organization's assets. The document informs the individual

employees what specific, manual steps they are to carry out in the procedure. In the procedures listed

in Chapter 7, an employee is directed to dispose of an asset by submitting an on-line disposal request

(DR). Once an employee submits the on-line DR, Chapter 7 lists the information that various

employees and departments in the organization must gather about the asset and lists the steps that

employees must perform in order to complete the asset disposal procedure. All the steps listed in

Chapter 7 are carried out manually by multiple employees of multiple departments in the

organization. Specifically, the table beginning on page 11, line 19 lists nine steps of the procedure

that must be manually performed by designated employees/departments of the organization. For

example, in step 3 on page 11, lines 25-27, a person in the Property Management Office (PMO)

reviews and approves a DR and then routes the DR to a person in the Surplus Property Sales

division. In step 8 on page 12, lines 20-22, a person in the PMO updates the organization's records

to reflect the disposal of the asset.

In the Response to Arguments section on page 7-8 of the final Office Action, the Examiner

asserts that simply because the Chapter 7 document includes the word 'online', the procedure

disclosed in the document is fully automated at a central server. The Examiner states that a central

server is nothing but a computer dedicated to a certain purpose. However, in the same paragraph, the Examiner states that Chapter 7 comprises multiple computers, servers, databases, circuits/dedicated lines and routers – all the equipment needed for online transactions. The Examiner's position appears to contradict itself because, clearly, multiple computers and servers are not the same a single central server that performs all the steps of the present invention.

The Examiner states that page 5, line 16 of Chapter 7 discloses a central server configured to access data and software systems of said organization. However, nowhere does Chapter 7 contain any type of disclosure about any type of server. Page 5, line 16 on Chapter 7 simply discloses that disposal requests can be submitted online. The Examiner appears to be basing his entire argument on the word 'online' that appears on page 5, line 16 in the Chapter 7 document, contending that this single word implies not only that the entire procedure of Chapter 7 is fully automated but that it is performed by a central server. This is incorrect. The word 'online' does not disclose or suggest the automatic performance of the steps at a central server, as in the present invention. Chapter 7 clearly states, in the table on pages 11-12 of for example, that the various steps listed in the document are performed by several different people in several different departments in an organization. The word 'online' merely implies that a computer network is involved in some facet of the Chapter 7 procedure, nothing more. Nothing in Chapter 7 teaches or suggests that a central server automatically obtains all required approvals for said asset disposition request, automatically effects said asset disposition request, and automatically modifies said data to reflect said effected disposition request as in the claimed invention.

Similarly, the Examiner states that page 5, line 27 of Chapter 7 discloses identifying one or more of said assets for management and submitting an asset disposition request to said central server. However, the five word sentence pointed to by the Examiner ("identify items which are excess") makes no mention of any type of server and the identification referred to in that line is only a classification of whether an asset is "excess" or not. Nothing in the cited passage or anywhere else in Chapter 7 discloses that an asset disposition request is submitted to a central server that automatically performs the disposition and updates the organization's data, as recited in the independent claims of the present invention.

The Examiner further states that page 12, step 8 of Chapter 7 discloses automatically modifying said data to reflect said effected disposition request at the central server. However, the cited passage specifically discloses that it is the responsibility of a person in the Property Management Office (PMO) to manually update the records with the sales/scrap data per Surplus Property Sales (SPS) disposition report. A person in one division of the organization (PMO) must manually update the organization's data based on information contained in a monthly report generated by another division of the organization (SPS). This type of manual updating of the organization's records by different departments disclosed in Chapter 7 (and the delays and potential errors associated with it) is precisely the problem in the prior art that the present invention solves.

In a telephone interview with the Examiner on December 13, 2007, the Examiner further stated that In re Venner, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958) supported the position that the present claimed invention, in which the steps are performed automatically at a central server, is not patentable. However, In re Venner holds only that it is not invention to merely provide

mechanical or automatic means to replace manual activity which accomplished the same result. The present invention does not merely replace manual activity with mechanical activity which accomplishes the same result. Rather, the present invention also provides a different structure that automatically performs, at a central server, all the steps of obtaining automated approval for an asset management process, consolidating the process to a single entity and dramatically decreasing both the time, expense and effort required for asset disposal.

Unlike Chapter 7, the present system allows users to obtain automated approval for an asset management process when they initiate the process. The steps of the process are carried out at a central server. The system also ensures that assets are written off the books as soon as they have been disposed of. Further, a listing of surplus assets that can be utilized by other employees in the company is created and made available to the employees, and employees are able to transfer assets to other employees, and update assets as appropriate. The process of Chapter 7 provides none of these benefits.

In summary, although Chapter 7 discloses using computers for on-line form submission and email to send messages from one employee to another in order to perform isolated steps of the asset disposal process outlined in the document, nowhere does Chapter 7 disclose <u>a central server</u> or any type of computer that will <u>automatically</u> carry out the process of asset management and the updating of organization records as in the claimed invention. Accordingly, each of the independent claims (Claims 1, 11 and 21), and all claims depending therefrom, patentably define over Chapter 7 and are in condition for allowance.

8.   CONCLUSION

For the foregoing reasons applicants respectfully request this Board to overrule the

Examiner's rejections and allow Claims 1-21.

Respectfully submitted,

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Date

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CLAIMS APPENDIX

CLAIMS INVOLVED IN THIS APPEAL:

1. (Previously Presented) A method of providing assistance to the user of a computer application program having a main user interface window, the method comprising the steps of:

(a) determining when a user needs assistance to perform a program task;

(b) contextually displaying an assistance panel within the main user interface window which panel describes a user step to be conducted to perform a program task;

(c) detecting the user step conducted to perform the described task step while the assistance panel is displayed within the main user interface window; and

(d) closing said assistance panel when said user completes said program task without closing said main user interface window.

2. (Original) The method of claim 1 wherein said determining step comprises detecting the initiation of a particular task to be performed in the main user interface window.

3. (Original) The method of claim 1 wherein said contextually displaying step (b) comprises the steps of (i) determining the content to be displayed in the assistance panel and the position within the main user interface wherein the assistance panel is to be displayed, and (ii) displaying the assistance panel based on said determination (i) step.

4. (Original) The method of claim 1 wherein said contextually displaying step (b) comprises the steps of (i) determining the content to be displayed in the assistance panel and the position within the main user interface wherein the assistance panel is to be displayed, (ii) communicating with the application main user interface to adjust the main user interface window for contextually displaying the assistance panel therein, and (iii) contextually displaying the assistance panel within the main user interface window based on said determination (i) step.

5. (Original) The method of claim 1 wherein said contextually displayed assistance panel is adjacent to an object to be interacted with by a user to perform the step described in the assistance panel.

6. (Original) The method of claim 1 wherein said assistance panel comprises a help object susceptible to user input that opens a new help window upon being activated.

7. (Original) The method of claim 1 wherein said assistance panel comprises a cancel object susceptible to user input that cancels the present assistance method upon being activated.

8. (Original) The method of claim 1 wherein said assistance panel comprises a home object susceptible to user input that returns the assistance method to a designated home assistance panel upon being clicked.

9. (Original) The method of claim 1 wherein said assistance panel comprises a "page back" object susceptible to user input that returns the assistance method to a previous assistance panel upon being clicked.

10. (Original) The method of claim 1 wherein said assistance panel comprises an object susceptible to user input that conducts the described user step from within the assistance panel upon being clicked.

11. (Original) The method of claim 1 wherein at least a portion of said assistance panel tapers to a point which is adjacent to an object to be interacted with by a user to perform the described user step.

12. (Original) The method of claim 1 wherein said assistance panel maintains its relative size to the main user interface window upon resizing of the main user interface window.

13. (Original) The method of claim 1 wherein said assistance panel maintains its relative position within the main user interface window upon movement of the main user interface window within a computer GUI display.

14. (Original) The method of claim 1 further comprising the step of executing an application step associated with the detected user step.

15. (Cancelled)

16. (Original) The method of claim 14 wherein said executing step is performed prior to said closing step.

17. (Original) The method of claim 14 wherein said executing and closing steps are performed substantially simultaneously.

18. (Original) The method of claim 14 further comprising the step of contextually displaying an assistance window within the main user interface describing a next user step to be conducted to perform the program task.

19. (Previously Presented) A method of providing assistance to the user of a computer application program having a main user interface window, the method comprising the steps of:

(a) detecting initiation by a user of a multi-step program task;

(b) determining the user steps, and sequence thereof, to be performed by the user to complete the multi-step program task;

(c) for each user step determined in step (b), determining content to be displayed in an assistance panel associated therewith and the context within the main user interface wherein the assistance panel is to be displayed;

(d) determining when a user needs assistance to perform a program task; and

(e) when a user needs assistance, displaying in sequence and in context at least two assistance panels within the main user interface window based on the sequence and context determined in steps (b) and (c), wherein each user step described in an assistance panel is capable of being conducted by the user while the assistance panel is displayed within the main user interface, and the conducting of such step by the user initiates: (i) execution of such step in the main user interface, (ii) closing of the displayed assistance panel without closing said main user interface window, and (iii) the contextual display of the assistance panel associated with the next user step in the determined sequence.

20. (Previously Presented) A system for providing assistance to the user of a computer application program having a main user interface window, the system comprising:

(a) means for determining when a user needs assistance to perform a program task;

(b) means for contextually displaying an assistance panel within the main user interface window which panel describes a user step to be conducted to perform a program task;

(c) means for detecting the user step conducted to perform the described task step while the assistance panel is displayed within the main user interface window; and

(d) means for closing said assistance panel when said user completes said program task without closing said main user interface window.

21. (Previously Presented) A system for providing assistance to the user of a computer application program having a main user interface window, the system comprising:

(a) means for detecting initiation by a user of a multi-step program task;

(b) means for determining the user steps, and sequence thereof, to be performed by the user to complete the multi-step program task;

(c) means for determining, for each user step determined by means (b), content to be displayed in an assistance panel associated therewith and the context within the main user interface wherein the assistance panel is to be displayed;

(d) means for determining when a user needs assistance to perform a program task; and

(e) means for, when a user needs assistance, displaying in sequence and in context at least two assistance panels within the main user interface window based on the sequence and context determined by means (b) and (c), wherein each user step described in an assistance panel is capable of being conducted by the user while the assistance panel is displayed within the main user interface, and the conducting of such step by the user initiates: (i) execution of such step in the main user interface, (ii) closing of the displayed assistance panel without closing said main user interface window, and (iii) the contextual display of the assistance panel associated with the next user step in the determined sequence.

22. (Previously Presented) A computer program product embodied on a computer readable medium for providing assistance to the user of a computer application program having a main user interface window, the product comprising:

(a) computer readable code for determining when a user needs assistance to perform a program task;

(b) computer readable code for contextually displaying an assistance panel within the main user interface window which panel describes a user step to be conducted to perform a program task;

(c) computer readable code for detecting the user step conducted to perform the described task step while the assistance panel is displayed within the main user interface window ; and

(d) computer readable code for closing said assistance panel when said user completes said program task without closing said main user interface window.

23. (Previously Presented) A computer program product embodied on a computer readable medium for providing assistance to the user of a computer application program having a main user interface window, the product comprising:

(a) computer readable code for detecting initiation by a user of a multi-step program task;

(b) computer readable code for determining the user steps, and sequence thereof, to be performed by the user to complete the multi-step program task;

(c) computer readable code for determining, for each user step determined by computer readable code (b), content to be displayed in an assistance panel associated therewith and the

context within the main user interface wherein the assistance panel is to be displayed;

(d) computer readable code for determining when a user needs assistance to perform a program task; and

(e) computer readable code for, when a user needs assistance, displaying in sequence and in context at least two assistance panels within the main user interface window based on the sequence and context determined by computer readable code (b) and (c), wherein each user step described in an assistance panel is capable of being conducted by the user while the assistance panel is displayed within the main user interface, and the conducting of such step by the user initiates: (i) execution of such step in the main user interface, (ii) closing of the displayed assistance panel without closing said main user interface window, and (iii) the contextual display of the assistance panel associated with the next user step in the determined sequence.

EVIDENCE APPENDIX

No additional evidence is presented.

RELATED PROCEEDINGS APPENDIX

No related proceedings are presented.